



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land – Helping to Build Great Communities

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
OFFICE MEMORANDUM

DATE: June 2, 2016

TO: Planning Department Hearing Officer

FROM: Schani Siong, Planner II, Permitting

SUBJECT: June 3 2016 Planning Department Hearing
DRC2014-00081 Brecon Estates Minor Use Permit

Please note the following changes (in bold) in the Revised Exhibit B Conditions of Approval

Noise

11. N-2 At the time of application for construction permits, the applicant shall submit to the county a copy of a formal rental agreement for groups making use of the event site. The rental agreement shall include the disclaimer that outdoor amplified music shall not exceed Lmax levels of **85 decibels**, when measured 2 feet from the speaker. The rental agreement shall identify an on-site manager to be present during all events. The on-site manager shall have a basic sound level meter to verify noise levels to ensure noise levels do not exceed 65 dB at the property lines and to correct problem situations immediately.
31. N-1 During special events with outdoor amplified music, the sound equipment shall be affixed with a sound level meter that does not allow the music levels when measured 2 feet from the noise source (the speaker) to exceed **85dB**. No amplified music shall be allowed before 10 am or after 10 pm. **Outdoor speakers shall be located easterly facing when placed on the lawn (away from nearby residences).**

REVISED EXHIBIT B - CONDITIONS OF APPROVAL
BRECON ESTATES DRC2014-00081
June 3, 2016

Approved Development

1. This approval authorizes the following:
 - a. Construction of an approximately 2,500 square foot new visitor parking area (10 spaces) with decomposed granite for regular use;
 - b. Conversion of the existing visitor parking area to winery production (staff) and event parking;
 - c. Construction of a new pedestrian bridge from the new parking area;
 - d. Construction of a new primary access driveway from Jensen Road and maintaining the existing Vineyard Drive access as an emergency secondary access for events;
 - e. Use of adjacent parcel (APN 039-011-026, 1120 Jensen Road) for overflow parking for up to 45 spaces during industry events; and
2. This approval authorizes a maximum of six special events per year with no more than 80 guests.
3. This approval authorizes amplified music for special events between the hours of 10 a.m. to 10 p.m. as allowed per Section 22.30.070.D. Amplified music is not allowed beyond 10 p.m.

Conditions to be completed at the time of application for construction permits or prior to issuance of construction permits

Development

4. All development shall be consistent with the approved site plan, preliminary-grading plans, floor plans, elevations and landscape plans.
5. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents shall be consistent with the currently adopted California Codes.

Exterior Lighting

6. **VS-1 At the time of application for construction permits**, the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from Vineyard Drive. All lighting poles, fixtures, and hoods shall be dark colored.

Air Quality

7. **AQ-1 Prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the County to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>).

Biological Resources

8. **BIO-1 Upon application for construction permits**, the following measures shall be incorporated into project plans:
- Disturbance shall be minimized to what is necessary to safely construct the pedestrian bridge over the natural drainage feature.
 - Appropriate exclusion and erosion control measures shall be installed and maintained during construction activities to minimize sedimentation into the riparian area
 - Appropriate permanent sedimentation and erosion control measures shall be included in the bridge and new parking lot design in order to minimize long-term impacts associated with pedestrian and vehicular traffic near the drainage feature (e.g. e.g., sedimentation and erosion into the creek due to increased runoff associated with soil compaction and/or installation of impermeable surfaces).
9. **BIO-4 Tree Protection.** The applicant shall limit tree removal to what is necessary to meet traffic sightline standards as recommended by the Department of Public Works (June 2, 2015). **Prior to construction permit issuance**, construction drawings shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. Prior to any ground disturbing activities, adequate protection measures (e.g., sturdy fencing) per the approved construction plans, shall be installed to protect those trees identified to remain unharmed as well as to minimize impacts for those trees identified as being impacted. **Protection measures shall remain in good working order during construction.**

Riparian Habitat

10. **Prior work within the natural drainage area**, the applicant shall coordinate with the appropriate regulatory agencies in order to obtain permits prior to the start of construction. These agencies are likely to include: US Army Corps of Engineers, US Fish and Wildlife Service, California Department of Fish and Wildlife, and the Regional Water Quality Control Board. Submit evidentiary clearance or permit(s) from relevant agencies to the County Planning Department **prior to construction permit issuance.**

Noise

11. **N-2 At the time of application for construction permits**, the applicant shall submit to the county a copy of a formal rental agreement for groups making use of the event site. The rental agreement shall include the disclaimer that outdoor amplified music shall not exceed Lmax levels of ~~85~~⁵⁸ decibels, when measured 2 feet from the speaker. The rental agreement shall identify an on-site manager to be present during all events. The on-site manager shall have a basic sound level meter to verify noise levels to ensure noise levels do not exceed 65 dB at the property lines and to correct problem situations immediately.

Access

11. **Within 180 days of Land Use Permit approval**, the applicant shall submit fees and plans to the Department of Public Works to secure an Encroachment Permit to construct the following in accordance with the recommendations of the OEG project sight distance letter report, dated 5/26/15 (OEG Ref 15-501):
- A new paved driveway approach on Jensen Road in accordance with County Public Improvement Standards B-1.
 - ~~Reconstruct the existing Vineyard Drive driveway to a B-1 series standard and limit to ingress only. The onsite circulation and parking shall be designed,~~

~~striped and signed to dissuade vehicles from exiting the project site using the Vineyard Drive driveway.~~

- ~~e.b.~~ Trim trees and branches as necessary to insure county A-5 series sight distance are at each driveway and at the intersection of Vineyard Drive with Jensen Road.
- ~~d.c.~~ All project signage must be located outside the public right-of-way or at least 8-feet from the nearest edge of pavement, whichever is greater.
- ~~e.d.~~ Removal of all existing non-permitted obstructions from within the public right-of-way of the project frontage.

12. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Drainage

13. **W-1 At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.

Environmental Health Department

14. **Prior to issuance of a construction permit**, the applicant shall obtain the appropriate Health Department permits. The Health Department will require at a minimum the following information:
- a. If there are more than 25 persons visiting the site for more than 60 days/ year, the applicant shall be required to contact the office verifying water adequacy and potability;
 - b. The applicant shall provide verification to the office regarding adequacy of on-site wastewater system;
 - c. The applicant shall obtain appropriate health permits;
 - d. A Hazardous Materials Questionnaire.

Fire Safety

15. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Conditions to be completed during construction or ground disturbing activities

CA Red-legged frog

16. **BIO-2.** In order to avoid significant impacts to red-legged frogs, all work shall be scheduled to occur during the typical dry season (April 15 to October 15).

Nesting Birds

17. **BIO-3 Prior to commencement of any tree or shrub removal/trimming**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during the nesting season (March to July), unless a County-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Planning

Department), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.

18. **BIO-5 Tree Replacement.** If any oak trees are impacted or removed during construction, the applicant shall replace, in kind at a 4:1 ratio for oak trees removed as a result of the development of the project, and in addition, shall plant at a 2:1 ratio for each tree impacted but not removed. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Conditions to be completed prior to final inspection and/or holding events

Wastewater

19. **WW-1 Prior to final inspection and prior to holding any events,** the applicant shall contact the Environmental Health Department to verify water supply adequacy and potability as for the proposed project. The applicant shall contact Brad Prior of the Environmental Division to determine if an annual permit will be required for the water supply at this facility.
20. **WW-2 Prior to final inspection and prior to holding any events,** the applicant shall contact the Environmental Health Department to verify septic system adequacy as needed for proposed use. The system should be evaluated for capacity to handle back to back maximum sized events (guest production, and employees waste).
21. **WW-3** Portable restroom facilities may be used, in lieu of permanent restrooms, provided they meet all state and local specifications and are sufficient to serve the maximum number of persons allowed at an event.

Access

22. **Prior to holding special events and prior to final inspection,** a Registered Civil Engineer must certify to the Department of Public Works that the driveway and frontage improvements are made in accordance with all conditions of approval.

Wastewater

23. Liquid waste generated by the winery operations must be discharged to a waste water system designed by a civil engineer with expertise in the design of winery wastewater systems and approved by the County Building Official or Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use. Prior to discharge of winery wastewater, the applicant shall obtain approval/permits from the Regional Water Quality Control Board. In no case shall winery wastewater be discharged into a stream or other surface water.

Fire Safety

24. **Prior to final inspection or holding events,** the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

Exterior Lighting

25. **Prior to final inspection or holding special events,** any lighting located or installed on the outside of the winery building shall be shielded so that neither the lamp nor the

related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Planning and Building Inspection

26. **Prior to final inspection or holding special events**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

Time Limits

27. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
28. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Exterior Lighting

29. **VS-2** Exterior lighting related to events shall be turned on no earlier than 1 hour prior to the event and turned off after the end of each event. Special events shall occur between the hours of 10:00 am to 10:00 pm. All lighting related to events shall be turned off by 11 pm.
30. **VS-3** No up lighting of oak trees or lighting of landscaping is allowed. All exterior lighting shall comply with current County standards.

Noise

31. **N-1** **During** special events with outdoor amplified music, the sound equipment shall be affixed with a sound level meter that does not allow the music levels when measured 2 feet from the noise source (the speaker) to exceed 8~~5~~8-dB. No amplified music shall be allowed before 10 am or after 10 pm.-. Outdoor speakers be located easterly facing when placed on the lawn (away from nearby residences)

Transportation and Traffic

32. **TR-1** **For the life of the project**, the applicant shall be responsible for maintaining the driveway off Vineyard Drive for ingress only. This driveway shall be used as secondary access during special events and industry wide events.
33. **TR-2** **For the life of the project**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way prior to obtaining a valid Encroachment Permit from the Public Works Department, including, but not limited to: project signage, tree trimming and/or planting, and fences.

~~33-34.~~ No special events held on Saturdays shall occur or terminate during the hours between 10 am to 12pm and 2pm to 4pm.

Access

~~34-35.~~ **On-going condition of approval (valid for the life of the project)**, and in accordance with OEG project sight distance letter report, dated 5/26/15 (OEG Ref 15-501), the Vineyard Drive driveway shall be restricted to ingress only. The Jensen Road driveway may be used for ingress and egress. This shall be enforced by the property owner at all times.

~~35-36.~~ **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Fees

~~36-37.~~ In accordance with Title 13.01 of the County Code the applicant shall be responsible for paying to the Department of Public Works the Templeton Area B Road Improvement Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.

Drainage

~~37-38.~~ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Pomace

~~38-39.~~ Solid vegetable waste from the winery (pomace) shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.

Recycling

~~39-40.~~ The applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

Notification

~~40-41.~~ **N-3** The applicant shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an email or letter. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:

- A complete listing of all scheduled events including dates, times and number of attendees;
- 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
- Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;

- d. Any identified problems shall be responded to and addressed as soon as possible.
- e. As an alternative to providing the annual listing of the events in a letter, a website may be used. If a web-site is used, notification shall first be provided by mail and contain the website address, the 24 hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.

Commercial Kitchen

41.42. This approval does not allow the commercial kitchen onsite to function as a restaurant (limited to food pairing service only and use during events)